



Express Mail No. EU 743003493US
Docket No.15464 US1 (C038435/0125944)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

17510 U.S. PTO
10/695980



In re Rule 1.53(b) Divisional Application of:)
Luis PASAMONTES and Yuri TSYGANKOV) Parent Examiner: E. Slobodyansky, Ph.D.
Parent Serial No.: 09/920,923) Parent Art Unit: 1652
Parent Filed: August 2, 2001)
For: **FERMENTATIVE CAROTENOID**)
 PRODUCTION)

New York, New York
October 29, 2003

REQUEST FOR FILING A RULE 1.53(b) DIVISIONAL APPLICATION

Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of prior pending U.S. Application Serial No. 09/920,923, filed August 2, 2001, which is a divisional of prior U.S. Application Serial No. 08/980,832, filed December 1, 1997, now U.S. Patent No. 6,291,204.

1. ☒ A copy of the prior application, including the oath or declaration as originally filed in the parent case, is enclosed.
2. ☐ Copy of amendments filed _____ to "complete" the parent application are enclosed. The undersigned hereby verifies that enclosed copies of the amendments are true copies of the amendments as originally filed in the parent case and that the amendments did not introduce impermissible new matter into that application.

3. ☒ The filing fee is calculated below on the basis of the claims in the parent application as originally filed plus or minus any claims added or canceled by amendment:

Claims as Filed, Plus/Minus Any Claims Added/Canceled By Amendment

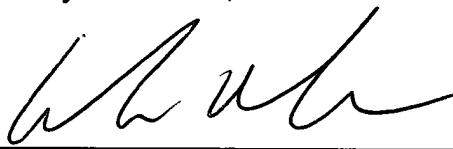
| For | Number Filed | Number Extra | Rate | Basic Fee = \$ | 770.00 |
|-----------------------|-----------------|-----------------|----------|-------------------|--------|
| Total claims | 4 - 20 = | 0 | x \$18 = | \$ | 0.00 |
| Independent claims | 1 - 3 = | 0 | x \$86 = | \$ | 0.00 |
| Total Filing Fees | | | | \$ | 770.00 |

- a. ☒ A check in the amount of **\$770.00** to cover the filing fee is enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- b. ☐ Please charge Deposit Account No. 02-4467 in the amount of \$_____. A duplicate copy of this paper is enclosed.
4. ☒ For this divisional application and the parent application the Commissioner is hereby authorized to charge payment of the following fees, or to credit any overpayment, to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- a. ☒ Any additional filing fees required under 37 C.F.R. § 1.16 not otherwise paid by check.
- b. ☒ Any patent application processing fees required under 37 C.F.R. § 1.17 not otherwise paid by check.
- c. ☒ Any additional Assignment recording fees under 37 C.F.R. § 1.21 (h) not otherwise paid by check.
5. ☒ Amend the specification by inserting before the first line: --This application is a divisional of U.S. Application Serial No. 09/920,923, filed August 2, 2001, which is a divisional of U.S. Application Serial No. 08/980,832, filed December 1, 1997, now U.S. Patent No. 6,291,204.--
6. ☒ A Preliminary Amendment is enclosed. Please enter it before calculating the filing fee.
7. ☒ The prior application is assigned of record to ROCHE VITAMINS, INC.

8. ☐ The prior application is not assigned. An assignment to _____, a Recordation Form Cover Sheet, and a check for \$_____ to cover the recording fee are enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467.
9. ☒ Address all communications to:
- Stephen M. Haracz
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, NY 10104-3300
Phone: (212) 541-2000
Fax: (212) 541-4630
10. ☒ Drawings are part of this divisional application.
- a. ☐ Transfer the drawings from the parent application to this Rule 1.53(b) application and abandon the parent application as of the filing date accorded this application. A duplicate copy of this paper is enclosed for filing in the parent case. (May be used only if the undersigned is one authorized by 37 C.F.R. § 1.138 and before payment of the issue fee in the parent case.)
- b. ☒ Eighty-Seven sheets of formal drawings are enclosed. (FIGS. 1-43);
11. ☒ A Sequence Listing is part of this divisional application.
- a. ☐ A Sequence Listing in both paper and computer readable form (diskette) as required by 37 C.F.R. § 1.821 et seq. is enclosed.
- b. ☐ A statement that the content of the paper and computer readable Sequence Listing are the same and that no new matter has been added is enclosed, pursuant to 37 C.F.R. §§ 1.821(f) and (g).
- c. ☒ A request to transfer previously filed sequence information pursuant to C.F.R. § 1.82(e) is enclosed.
12. ☒ Priority is hereby claimed through the parent case, under 35 U.S.C. § 119 based on Application No. 96810839.9 filed **December 2, 1996** in Europe.
- a. ☒ Certified copies of the priority document(s) is(are) already of record in U.S. Application Serial No. 08/980,832, filed December 1, 1997.
- b. ☐ The certified priority document(s) is(are) enclosed herewith for filing in this continuing case.

- c. ☐ Certified copies of the priority document(s) will follow.
13. ☒ A Power of Attorney is of record in U.S. Application Serial No. 08/980,832, filed December 1, 1997. The Power of Attorney is to George W. Johnston, Reg. No. 28,090; William H. Epstein, Reg. No. 20,008; Dennis P. Tramaloni, Reg. No. 28,542; Patricia S. Rocha Tramaloni, Reg. No. 31,054; Bruce A. Pokras, Reg. No. 32,748 and Alan P. Kass, Reg. No. 32,142.
14. ☒ A Power of Attorney to Associate Attorney is of record in U.S. Application Serial No. 08/980,832, filed December 1, 1997. The associate power of attorney is to Mark E. Waddell, Reg. No. 31,803; Stephen M. Haracz, Reg. No. 33,397; Warren K. MacRae, Reg. No. 37,876; Eileen M. Ebel, Reg. No. 37,316; Timothy E. Tracy, Reg. No. 39,401; and Kevin C. Hooper, Reg. No. 40,402. A copy of the Power of Attorney to Associate Attorney is enclosed herewith.
15. ☐ A petition for extension of time in the parent application is enclosed so that the parent application will be pending as of the time this paper is filed.

Respectfully submitted,

By: 

Gonzalo Merino, Ph.D.
Registration No. 51,192
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, NY 10104-3300
Phone: (212) 541-2000
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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For: **FERMENTATIVE CAROTENOID**)
PRODUCTION

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: **EU 743003493US**

Date of Deposit: October 29, 2003

I hereby certify that the following:

- ☒ This Certificate of Express Mailing (1 pg.);
- ☒ Request for Filing A Rule 1.53(b) Divisional Application in duplicate (8 pp.);
- ☒ Specification, Claims, and Abstract (70 pp.);
- ☒ Copy of Declaration and Power of Attorney (3 pp.) (executed);
- ☒ Copy of Power of Attorney to Associate Attorney (1 pg.);
- ☒ Paper copy of Sequence Listing as originally filed in Parent Application (40 pp.);
- ☒ Eighty-Seven (87) sheets of formal drawings (FIGS. 1-43);
- ☒ Preliminary Amendment with substitute Sequence Listing as Exhibit 1 (55 pp., including duplicate first page);
- ☒ Request to Transfer Previously Filed Sequence Information Pursuant to 37 C.F.R. § 1.821(e) (1 pg.);
- ☒ Check for \$770.00 to cover filing fee;
- ☒ Return Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the Date of Deposit indicated above in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop Patent Application.


Marvin Chisolm

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New York, New York 10104-3300
212/541-2000